IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 690 of 2006

1. Vikram S/o Shri Asharam
2. Mahepal S/o Shri Lahore
3. Nathiram S/o Shri Shyam Singh
4. Kunvarpal S/o Shri Meer Singh
   All R/o Village Khubbanpur, Latifpur
   Police Station Bhagwanpur
   District Hairdwar ... Applicants

Vs

1. State of Uttaranchal
2. First Upper Civil Judge (Junior Division), Roorkee
3. Abdul Gafur Village Pradhan
   Gram Sabha Khubbanpur, Latifpur
   Police Station Bhagwanpur
   District Haridwar ... Respondents

Sri Manish Arora, learned counsel for the applicants
Learned A.G.A for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioners who are facing the trial in a case No. 121 of 2006 State Vs Munna & others under Section 379 I.P.C. pending in the court of 1st Upper Civil Judge (J.D.), Roorkee, District Haridwar.

2. Brief facts giving rise to this petition are that the respondent No. 3 – Abdul Gafur lodged the First Information Report against the petitioners for the offence under Sections 379 I.P.C. The police investigated the matter and thereafter chargesheet was submitted against the petitioners on 21.11.2005, which is contained as annexure No. 6 to the petition. The petitioners have thus filed this petition for quashing the chargesheet filed against them as well as the entire proceedings of the above mentioned criminal case.

3. Heard Sri Mansih Arora, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. Having considered the arguments advanced by the learned counsel for the parties, I am of the view that there is no abuse of process of the court in this case. The averments made in the petition are the disputed question of fact, which can be assessed and judged by the trial court. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence at this stage. Any judgment rendered by me would amount to premature judgment where the evidence is still incomplete and hazy.

5. The petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition under Section 482 Cr.P.C. is dismissed in limine.

(B.C. Kandpal, J.)

24.08.2006
ASWAL